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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,741	03/22/2001	Bruno Messmer	1141188-3/DU	6555
22850	7590	06/16/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PHAN, JOSEPH T	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/787,741

Applicant(s)

MESSMER, BRUNO

Examiner

Joseph T. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 19-42 rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg, Patent #6,075,844 in view of Culbreth et al., Patent #5,953,393.**

**Regarding claims 19, 28 and 36 Goldberg** teaches a method of handling spoken messages, a message exchange, and computer-readable data carrier connected to a public switched telephone network including a plurality of subscribers comprising:

an address module configured to store a plurality of lists with subscriber identifications, each list being assigned to at least one of the subscribers (124 fig.1, col.5 lines 32-4, and col.9 lines 5-12)

a receiving module configured to receive a spoken message from one of the subscribers in the telephone network via the telephone network, the one of the subscribers being a transmitting subscriber, and to store the spoken message with an identification of the transmitting subscriber(Fig.1, col.4 lines 29-46, and col.5 lines 15-31);

a speech recognition module configured to enable the transmitting subscriber to designate by means of spoken language at least one of the other subscribers as an

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addressee to whom the spoken message is addressed (Fig.1,col.3 lines 55-65 and col.4 lines 20-28);

a transmission module configured to enable the transmitting subscriber to designate by means of spoken language at least one of the other subscribers as an addressee to whom the spoken message is addressed(Fig.1,col.3 lines 55-65 and col.4 lines 20-28);

a transmission module configured to transmit the stored message by means of an automatic call to the addressee(col.5 lines 32-40).

Goldberg does not expressly disclose inquiring if a reply is to be sent from the addressee to the transmitting subscriber and a reply module configured to receive and to store the reply from the addressee but does disclose prompting the recipient the capability of the system to receive a reply(col.4 lines 51-54 and col.7 lines 1-28).

Culbreth discloses inquiring if a reply is to be sent from the addressee to the transmitting subscriber and a reply module configured to receive and to store the reply from the addressee (130 Fig.1, 230 Fig.2, and col.4 line 35-col.5 line 49).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Goldberg to include Culbreth's means and method of receiving and storing a reply from the addressee as taught(col.4 line 35-col.5 line 49).

One of ordinary skill in the art would have been motivated to do this as Goldberg already establishes a system that is capable of sending a message and insinuates discussing a matter further(col.4 lines 51-54) and Culbreth merely furthers this

insinuation as a reply from the recipient(Fig.1 and col.4 line 35-col.5 line 49) and therefore easily motivated to modify Goldberg's prompting system.

Regarding claim 20, Goldberg teaches the message exchange according to claim 19, wherein the speech recognition module is configured to enable the transmitting subscriber to create and administer the at least one of the lists by means of spoken language (col.3 lines 55-65).

Regarding claim 21, Goldberg teaches the message exchange according to claim 19, wherein each subscriber identification includes a name of the one of the subscribers(col.4 lines 20-28).

Regarding claim 22, Goldberg teaches the message exchange according to claim wherein each subscriber identification includes a call number of the one of the subscribers(col.4 lines 29-46).

Regarding claim 23, Goldberg teaches the message exchange according to claim wherein at least one of the subscriber identifications are stored as a voice signal(col.4 lines 20-28).

Regarding claim 24, Goldberg teaches the message exchange according to claim further comprising at least one tariff table, wherein the transmission module refers to the at least one tariff table to transmit messages at times having economical tariffs(Fig. 1 and col.4 lines 15-65).

Regarding claim 25, Goldberg teaches the message exchange according to claim further comprising:  
a table with statistical information on the traffic load in the telephone network,

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wherein the transmission module refers to the table to transmit messages at times of low traffic load(Fig. 1 and col.4 lines 15-65).

Regarding claim 26, Goldberg teaches the message exchange according to claim 19 wherein the reply module is configured to receive a reply from the addressee, and to store and transmit the reply to at least the transmitting subscriber(col.7 lines 1-29).

Regarding claim 27, Goldberg teaches the message exchange according claim 19, wherein at least one of the lists contains access rights(120 Fig.1).

Regarding claim 29, Goldberg teaches the method according to claim 28, wherein at least one of the subscriber identifications are stored as a voice signal(col.4 lines 20-28).

Regarding claim 30, Goldberg teaches the method according to Claim 28 further comprising: storing status information concerning the transmission of the spoken message to the addressee: and retransmitting the spoken message if it is not successfully transmitted during a first attempt(col.7-col.8 all).

Regarding claim 31, Goldberg teaches the method according to claim 28, further comprising monitoring at least one tariff table; and transmitting the spoken message at economical tariff times time based on monitoring of the at least one tariff table(Fig. 1 and col.4 lines 15-65).

Regarding claim 32, Goldberg teaches the method according to claim 36 further comprising: storing statistical information on a traffic load in the telephone network in a table and transmitting the spoken message at a time of low traffic load based on the stored statistical information(Fig. 1 and col.4 lines 15-65).

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Regarding claim 33, Goldberg teaches the The method according to claim further comprising transmitting the spoken message via the Internet(col.9 lines 13-28).

Regarding claim 34, Goldberg teaches the method according to claim 28 further comprising: receiving the reply from the addressee; storing the reply in the message exchange and transmitting the reply to at least the transmitting subscriber(col.7 lines 1-65).

Regarding claim 35, Goldberg teaches the method according to claim 28, wherein the transmitting subscriber administers at least one of the lists by means of spoken language(col.3 lines 55-65).

Regarding claim 37, Goldberg teaches the message exchange of claim 19, wherein the addressee is a group of the subscribers associated with the common group identification(col.9 lines 5-12)

Regarding claim 38, Goldberg teaches the method of claim 19, wherein the receiving module is further configured to determine an address of the addressee based on identification of the transmitting subscriber and on one of the plurality of lists corresponding to the transmitting subscriber(col.9 lines 5-12).

Regarding claim 39, Goldberg teaches the computer-readable data carrier of claim 28, further comprising: determining an identification of the transmitting subscriber(col.9 lines 5-12).

Regarding claim 40, Goldberg teaches the method of claim 28, wherein the identifying further includes determining an address of the addressee based on the identification of

the transmitting subscriber and on one of the plurality of lists corresponding to the transmitting subscriber(col.7 lines 1-65 and col.9 lines 5-12).

Regarding claim 41, Goldberg teaches the computer-readable data carrier of claim 36, wherein when said computer program is executed, the message exchange further performs: determining an identification of the transmitting subscriber(col.7 lines 1-65 and col.9 lines 5-12).

Regarding claim 42, Goldberg teaches the computer-readable data carrier of claim 36, wherein when said computer program is executed, the message exchange further performs: determining one of the plurality of lists that corresponds to the transmitting subscriber based on the identification of the transmitting subscriber(col.7 lines 1-65 and col.9 lines 5-12).

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 19-39 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that the claims can now be interpreted broader because of the removal of the limitation of "wherein at least two of the lists include a common group identification", such that the claim can now read on the initial addressee as now being the transmitting subscriber and the initial transmitting subscriber as now being the addressee since the reply/response is to one addressee.

### ***Conclusion***




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP  
June 13, 2005



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